AMENDMENTS TO THE DRAWINGS

Please replace Fig. 6, Fig. 10, and Fig. 12 as originally filed with the enclosed

replacement sheets of Fig. 6, Fig. 10, and Fig. 12.

REMARKS

Drawing Objection

The Examiner has objected to the drawings under 37 CFR 1.121(d), specifically asserting that Fig. 10 is blurry and hard to read. Applicant believes that the Examiner intended to refer to Fig. 12. Therefore, Applicant encloses an amended version of drawing 12 and believes that the replacement drawing overcome the objection. In addition, an amended version of Fig. 10 is enclosed in which the term "AMERICAN EXPRESS" has been shown in all capitals. Finally, Fig. 6 is amended because the original figure read only "Fig." rather than "Fig. 6". In accordance with 37 CFR 1.21(d), each sheet of amended drawings is labeled "Replacement Sheet."

Applicant believes that the amendments to the drawing introduce no new matter.

Specification Objection

The Examiner has objected to the formatting of various trademarks appearing in the application and has requested that each of the trademarks be capitalized and be accompanied by its generic terminology. Accordingly, Applicant has amended portions of the specification and figures with these trademarks and believes that the specification as amended overcomes this basis of objection.

Applicant believes that the amendments to the specification introduce no new matter.

Status of Claims

Prior to entry of this amendment, claims 1-53 were pending in the application. Claims 1, 3, 9, 12, 15, 16, 19-22, 26, 30, 32, and 34-36 are amended herein. Claims 2, 4-8, 17, 23-25, 27-29 and 37-53 are herein cancelled. New claims 54 and 55 are added. Thus, upon entry of this amendment, claims 1, 3, 9-16, 18-22, 26, 30-36, 54, and 55 will be pending and presented for further examination.

Applicant believes that the amendments to the claims introduce no new matter.

35 USC §§ 101

The Examiner has rejected claims 1-53 under 35 USC §101 as directed to non-statutory subject matter. Applicant submits that the claims as amended overcome this basis of rejection.

Independent claims 1 and 20 as amended recite a computer and database and specific steps executed by that computer and database. Applicant submits that as claimed the invention relates to a specific machine and hence is allowable under Bilski.

35 USC §§ 102 and 103 Rejections

Claims 1-3, 5, 6, 12-19, 37, and 40-52 stand rejected under 35 USC §103(a) unpatentable over Burke (US 6,112,191) ("Burke"). Claims 4, 7-11, 20-36, 38, 39 and 53 stand rejected under 35 USC §103(a) as unpatentable over Burke in view of Baker (US 2004/0093302) ("Baker").

Applicant submits as amended claims 1 and 20 overcome these bases of rejection.

Claim 1 as amended recites:

> A method of distributing donations to charitable organizations through the sale of merchandise, the method comprising:
>> associating, in a database, a plurality of parameters with each item of merchandise for sale, the parameters specific to each item of merchandise, each parameter being set by one of a donor of the merchandise, a supplier of the merchandise, a vendor of the merchandise, and a purchaser of the merchandise;
>>> the parameters comprising: a list of charitable organizations eligible for the receipt of a donation, a purchase price for each item of merchandise, a donation amount for each item of merchandise, a total price for each item of merchandise, and an allocation as a percentage of the donation amount to one or more charitable organizations on the list, the total price comprising the sum of the purchase price and the donation amount, and the percentage of the donation amount ranging from 0-100%;
>> communicating, by a computer, information about the merchandise to a purchaser, the information comprising the purchase price, the donation amount, the identity of the one or more charitable organizations on the list, and the donation amount to be allocated to the one or more charitable organizations upon the purchase of the merchandise and in response to the plurality of parameters; and
>> receiving from the purchaser an offer to purchase the merchandise for the total purchase price.

That is, claim 1, as amended, recites associating, in a database, a plurality parameters with each item of merchandise. The parameters are specific to each specific item of

merchandise. Thus, if various merchandise were identical shirts, each shirt would have its own set of parameters and the parameters would not necessarily be the same for each shirt. Each item of merchandise includes a set of parameters and each parameter is set by a donor of the merchandise, a supplier of the merchandise, a vendor of the merchandise, or a purchaser of the merchandise. The parameters include a list of charitable organizations eligible for the receipt of a donation, a purchase price for each item of merchandise, a donation amount for each item of merchandise, a total price for each item of merchandise, and an allocation as a percentage of the donation amount to one or more charitable organizations on the list. The total price includes the sum of the purchase price and the donation amount. Further, the percentage of the donation amount can range from 0-100%. Finally, a computer performs the associations and the communication of the information to the purchaser.

Similarly claim 20 as amended recites:

A method of allocating proceeds to a charitable organization from a sale of merchandise, the method comprising:

associating, in a database, a plurality of parameters with each item of merchandise for sale, the parameters specific to each item of merchandise, each parameter being set by one of a donor of the merchandise, a supplier of the merchandise, a vendor of the merchandise, and a purchaser of the merchandise;

the parameters comprising: a list of charitable organizations eligible for the receipt of a donation, a purchase price for each item of merchandise, a donation amount for each item of merchandise, a total price for each item of merchandise, and an allocation as a percentage of the donation amount to one or more charitable organizations on the list, the total price comprising the sum of the purchase price and the donation amount;

receiving offers to purchase the merchandise from one or more bidders, each of the offers comprising an offer price;

selecting, by a computer in response to the offers and the parameters, one of the offers as a winning offer;

designating the bidder who submitted the winning offer as a purchaser of the merchandise;

communicating, by the computer, to the purchaser an indication that the purchaser's offer was accepted and the list of one or more charitable organizations;

receiving from the purchaser an identity of one or more charitable organizations to which a portion of the winning offer price is to be allocated; and

allocating, by computer, a portion of the winning offer price to one or more charitable organizations.

Again, the list of parameters is associated with the specific item of merchandise and the computer, in response to an offer and the list of parameters, selects an offer as the winning offer, and provides the purchaser with a list of charitable organizations from the parameter list.

Support for these amendments is found at least in paragraphs 9, 19, 51, 79, 82, 86-88 of the instant application. For example, paragraph 86-88 state:

> [0086] In an embodiment, the method provides an inventory source logic with the ability to uniquely identify and tag individual tickets by source of inventory to differentially: 1) serve and populate a list of potential charities from which the purchaser may choose to donate; 2) allocate percentages of the donation amount to the same list of charities; and/or 3) serve and populate the list and create unique rules for allocation among the list of charities.

> [0087] In an embodiment, it further provides the ability to associate individual tickets with a specific ticket source and/or a specific charitable organization. In practice, this means that some Team A tickets can be used to raise money for Charitable Organization A while other Team A tickets can be used to raise money for Charitable Organization B. Also, we may get Team A tickets from Source A and some Team A tickets from Source B. We can link Source A's Team A tickets with a different charitable organization(s) from Source B's Team A tickets. For example, some Celtics tickets can be used to raise money for United Way of America while other Celtics tickets can be used to raise money for the Shamrock Foundation--at any rate from 0% to 100%. Also, we may get some Celtics tickets from a Season Ticket Holder and some Celtics tickets from the team directly (or some third-party source such as the players, corporate sponsors, etc.). We can link a Season Ticket Holder's Celtics tickets to a different charitable organization(s) from the teams own Celtics tickets.

> [0088] Further, it is possible to predetermine that for a specific ticket, X % goes to Charitable Organization A based on some third-party preference (e.g. the team, corporate sponsor) and permitting the customer to select one or more charitable organizations to receive an equal (or otherwise split) allocation of the remainder of the premium. For example, for all Red Sox tickets, 20% of the premium would be automatically allocated to the Red Sox Foundation (based on the preference of the Red Sox as a ticket source). The remaining 80% of the premium could be allocated to charities selected by the purchaser from our predetermined list.

Baker and Burke on the other hand both describe systems which simply describe systems which offer merchandise for sale and permit purchasers to buy that merchandise. In Baker for instance the system is merely an intermediary between the ticket holder and the purchaser. Burke describes a system in which an excess amount provided by the purchaser is provided to accounts specified by the purchaser. Thus, neither Baker nor Burke teach or suggest associating

a set of parameters with each specific item of merchandise and distributing money paid for the merchandise according to the parameters associated with that specific item of merchandise.

Applicant submits that amended claims 1 and 20 overcome the basis of rejection and are now allowable and that claims 2-3, 9-16, 18, 19 and 21, 22, 26, and 30-36 are allowable as depending from an allowable base claim.

Conclusion

In view of the foregoing, Applicant respectfully submits that all the claims are in condition for allowance and request early favorable action by the Examiner.

If, in the Examiner's opinion, a telephonic interview would expedite the favorable prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

Date: August 16, 2010

/James A. Culverwell/
James A. Culverwell
Registration No.: 58,175
Attorney for Applicants

K&L GATES LLP
State Street Financial Center
One Lincoln Street
Boston, Massachusetts 02111-2950
Tel. No.: (617) 951-9052
Fax No.: (617) 261-3175